

FHWA and USACE  
Errata Sheets

**Section 100: I-95, I-895(N) Split to North of MD 43  
Baltimore City and Baltimore County, Maryland**

**PACM and FONSI  
USACE Errata Sheet  
July 8, 2005**

USCOE – Paul Wettlaufer and Richard Kibby					
No.	Section	Page	Comment	Comment Addressed	New Page
1	All		All comments should be addressed in the FONSI although these comments apply to the PACM	<b>All responses to the comments will be made in the FONSI.</b>	All
2	Summary of Environmental Impacts	19 and 21	Mitigation and impacts for stream should only be measured in linear feet. Remove square feet. Also, add temporary impacts. All temporary impacts account for impacts to the 25 foot buffer of the stream or wetland.	<b>Square feet has been removed. Temporary impacts have been added to Summary of Impacts and stream and wetland impact tables.</b>	III-1, III-4, and III-5
3	All		All impacts should be calculated from right-of-way (ROW) to ROW.	<b>The proposed ROW for the project is significantly farther than the anticipated limits of disturbance (LOD) in most cases throughout the project. We have developed an LOD that will incorporate the cut/fill line, plus a 25 foot buffer.</b>	Figures
4	Plates		Would like to see all proposed retaining wall locations.	<b>This was addressed in the “High Quality” Wetlands memo and will be added to the figures in the FONSI.</b>	Attach 1

5	Summary of Environmental Impacts	19	Clarify how the jurisdictional determination changed the amount of impacts since the EA was issued.	<b>The jurisdictional determination was performed after the EA was issued. The results of the jurisdictional determination led to a reduction in stream and wetland impacts because they were considered non-jurisdictional.</b>	III-4 and III-5
6	General		Would like to see the correspondence with MHT.	<b>MHT correspondence will be added as an appendix to the FONSI.</b>	
7	Figure	Plate 34	Worried about bank erosion of Stemmers run stream bank over time.	<b>The channel will be relocated to the west to avoid bank erosion and damage to the retaining wall.</b>	III-2
8	Mitigation	31	Replace “improvement/replacement” with “enhancement/restoration”	<b>Change made.</b>	III-13
9	General		Develop milestones for each mitigation project.	<b>Table III-11 on page III-18 of the FONSI lists all of the milestones for the mitigation sites.</b>	
10	Figure	Plate 48	Why aren’t there retaining walls used at the Honeygo Run crossing?	<b>Due to the severe elevation change from the roadway to Honeygo, it would require a 50 foot retaining wall. That is not a feasible option. The Authority is currently looking at alternate avoidance and minimization options for this area.</b>	Appen A
11	Figure	Plate 37	Is WUS 2 piped? Can it be relocated.	<b>SRSR-WUS 2 is a road ditch that drains stormwater away from the interchange. It will be piped.</b>	Appen A
12	All figures	All	Several retaining walls are not shown and in some cases proposed ROW indicates complete takes of wetlands and streams that were not indicated as impacts.	<b>Currently working on updating plans. Updated plans will be issued with final FONSI. See response to Comment 4.</b>	Appen A
13	Linover Park Mitigation Site		Coordinate with the USACE on all necessary private property acquisitions for the Linover Park Mitigation Site.	<b>The Linover Park Mitigation Site will be impacting SHA ROW and private ownership. The Authority will work with the State and Baltimore County if any additional private property is needed for the mitigation site.</b>	

14	I-95/I-695 Mitigation Site		Coordinate with the USACE on all design activities for the mitigation site.	<b>The USACE will review the 30% design plans. If the mitigation is not sufficient, the USACE will work with FHWA and the Authority to find additional sites for mitigation. The Authority is committed to the I-95/I-695 mitigation site even if the mitigation is insufficient.</b>	
15	USACE Design Criteria	App. D	On plate 29, your comment seems contradictory. You say we are using a retaining wall to avoid wetland 6 and HRMR-WUS2, then you say a retaining wall is needed only to avoid the park, and that a culvert extension with 2:1 side slopes is acceptable avoidance for the wetland and stream. I believe the latter is the correct statement.	<b>Text was changed to:</b> A retaining wall is being used in this area to avoid impacting the park. The USACE had no design criteria for this area because there would not be any impacts to stream and/or wetlands.  A retaining wall is only necessary to avoid 4 (f) impacts to Moores Run and Garden Village Parks. Wetland impacts will be minimized by culvert extension and use of 2:1 embankment at this location.	App. F
16	USACE Design Criteria	App. D	On plate 31, please add the following wording so it reads as follows: “The retaining wall is necessary specifically to resolve grade differences. The stream may be piped from the 36” culvert to Sta. 178+50 provided an energy dissipater is constructed at the new pipe outfall.”	<b>The wording was added to the text.</b>	App. F
17	USACE Design Criteria	App. D	On plate 33, please add the following wording so it reads as follows: “The USACE will allow the stream to be piped from Sta. 232+40 Lt. to the existing 54” pipe outlet, provided an energy dissipater is constructed at the new pipe outfall.”	<b>The wording was added to the text.</b>	App. F

18	USACE Design Criteria	App. D	On plate 38, please strike the last sentence referring to this stream restoration as a mitigation site. The Corps considers most of this work to be a restoration of a temporary impact, which the applicant is required to do after impacting a stream. The Corps will not likely give much mitigation credit for this work, but it is nevertheless required to restore the temporary impacts.	<b>The last sentence text was removed.</b>	App. F
19	USACE Design Criteria	App. D	On plate 44 and 46, the Design Criteria memo refers to Wet 4 on plate 44 and to Wet 14 on plate 46. The mapping refers to Wet 14 on plate 44 and Wet 4 on plate 46. Which is correct?	<b>The mapping is correct, and the Design Criteria memo has been corrected.</b>	App. F
20	USACE Design Criteria	App. D	Also, regarding the note on pertaining to plate 46, please revise to read as follows: "Evaluate terminating the ditch in the wetland so the ditch does not drain the wetland."	<b>The text was revised as requested.</b>	App. F
21	Table III-1	Table III-1	In reading the FONSI, Table III-1 summarized the impacts of the Selected Alternate based on what they were in the EA, and what they are now, with certain wetlands determined to be non-jurisdictional. Would it be possible to get the wetland and stream impact totals for Alternate 2 - General Purpose Lanes, assuming the latest wetland jurisdiction determination? We need to do a decision document that demonstrates that we were consciously making a decision to go with the alternative that has higher aquatic impacts because of its greater benefits. But we have to know how much greater the aquatic impacts are.	<b>General Purpose Lanes Alternate impacts were provided via email on July 7, 2005. A summary of those impacts is attached to this errata sheet.</b>	

### Summary of Stream Impacts

Type of Impact	Watershed	General Purpose Lanes Alternate	Preferred Alternate
Permanent	Perennial	4,090	5,858
	Intermittent	2,359	3,902
	Ephemeral	2,818	3,238
	<b>Total (lf)</b>	<b>9,267</b>	<b>12,998</b>
Temporary	Perennial	341	2,456
	Intermittent	175	1,818
	Ephemeral	621	750
	<b>*Total (lf)</b>	<b>1,137</b>	<b>5,024</b>

### Stream Impacts from the General Purpose Lanes Alternate

Type of Impact	Watershed	Herring Run	Redhouse Creek	Stemmers Run	White Marsh Run	Bird River	Gunpowder River	Total
<i>Impacts in Linear Feet</i>								
Permanent	Perennial	602	0	1,835	1,653	0	0	4,090
	Intermittent	762	443	1,142	12	0	0	2,359
	Ephemeral	0	0	0	2,818	0	0	2,818
	<b>Total (lf)</b>	<b>1,364</b>	<b>443</b>	<b>2,977</b>	<b>4,483</b>	<b>0</b>	<b>0</b>	<b>9,267</b>
Temporary	Perennial	50	50	0	241	0	0	341
	Intermittent	0	125	25	25	0	0	175
	Ephemeral	0	0	0	621	0	0	621
	<b>*Total (lf)</b>	<b>50</b>	<b>175</b>	<b>25</b>	<b>887</b>	<b>0</b>	<b>0</b>	<b>1,137</b>

### Stream Impacts from the Preferred Alternate

Type of Impact	Watershed	Herring Run	Redhouse Creek	Stemmers Run	White Marsh Run	Bird River	Gunpowder River	Total
<i>Impacts in Linear Feet</i>								
Permanent	Perennial	0	442	2,122	1,335	450	1,509	5,858
	Intermittent	0	1,258	1,637	418	436	153	3,902
	Ephemeral	0	0	0	3,238	0	0	3,238
	<b>Total (lf)</b>	<b>0</b>	<b>1,700</b>	<b>3,759</b>	<b>4,991</b>	<b>886</b>	<b>1,662</b>	<b>12,998</b>
Temporary	Perennial	0	686	380	969	129	292	2,456
	Intermittent	0	1,031	530	218	0	39	1,818
	Ephemeral	0	0	0	750	0	0	750
	<b>*Total (lf)</b>	<b>0</b>	<b>1,717</b>	<b>910</b>	<b>1,937</b>	<b>129</b>	<b>331</b>	<b>5,024</b>

\*All temporary impacts were calculated using the LOD. The LOD represents 25 feet from the edge of the cut/fill line. Stream impacts have been reduced since publication of the EA due to refinements to the Jurisdictional status of waters and minimization and avoidance measures.

### Summary of Wetland Impacts

Type of Impact	Watershed	General Purpose Lanes Alternate	Preferred Alternate
Permanent	POW	0.52	0.24
	PEM	2.04	2.04
	PSS	0.75	0.32
	PFO	0.89	0.91
	<b>Total (acres)</b>	<b>4.20</b>	<b>3.51</b>
Temporary	POW	0	0.55
	PEM	0.30	0.45
	PSS	0	0.23
	PFO	0	0.13
	<b>Total* (acres)</b>	<b>0.30</b>	<b>1.36</b>

### Wetland Impacts from the General Purpose Lanes Alternate

Type of Impact	Watershed	Herring Run	Redhouse Creek	Stemmers Run	White Marsh Run	Bird River	Gunpowder River	Total
Permanent	POW	0	0	0	0.52	0	0	0.52
	PEM	0.05	0.02	1.08	0.52	0	0.37	2.04
	PSS	0	0	0.75	0	0	0	0.75
	PFO	0	0	0.11	0.30	0.03	0.45	0.89
	<b>Total (acres)</b>	<b>0.05</b>	<b>0.02</b>	<b>1.94</b>	<b>1.34</b>	<b>0.03</b>	<b>0.82</b>	<b>4.20</b>
Temporary	POW	0	0	0	0	0	0	0
	PEM	0	0.02	0	0.26	0.02	0	0.30
	PSS	0	0	0	0	0	0	0
	PFO	0	0	0	0	0	0	0
	<b>Total* (acres)</b>	<b>0</b>	<b>0.02</b>	<b>0</b>	<b>0.26</b>	<b>0.02</b>	<b>0</b>	<b>0.30</b>



### Wetland Impacts from the Preferred Alternate

Type of Impact	Watershed	Herring Run	Redhouse Creek	Stemmers Run	White Marsh Run	Bird River	Gunpowder River	Total
Permanent	POW	0.0	0.0	0.0	0.24	0.0	0.0	0.24
	PEM	0.0	0.06	1.02	0.50	0.02	0.44	2.04
	PSS	0.0	0.0	0.32	0.0	0.0	0.0	0.32
	PFO	0.0	0.0	0.16	0.30	0.0	0.45	0.91
	<b>Total (acres)</b>	<b>0.0</b>	<b>0.06</b>	<b>1.50</b>	<b>1.04</b>	<b>0.02</b>	<b>0.89</b>	<b>3.51</b>
Temporary	POW	0.0	0.0	0.0	0.55	0.0	0.0	0.55
	PEM	0.0	0.05	0.0	0.35	0.0	0.05	0.45
	PSS	0.0	0.0	0.23	0.0	0.0	0.0	0.23
	PFO	0.0	0.0	0.01	0.03	0.08	0.01	0.13
	<b>Total* (acres)</b>	<b>0.0</b>	<b>0.05</b>	<b>0.24</b>	<b>0.93</b>	<b>0.08</b>	<b>0.06</b>	<b>1.36</b>

\*All temporary impacts were calculated using the Limits of Disturbance (LOD). The LOD represents 25 feet buffer from the edge of the cut/fill line. Wetland impact numbers have been reduced since publication of the EA because of refinements to the Jurisdictional status of wetlands and minimization and avoidance measures added to the design.

**Section 100: I-95, I-895(N) Split to North of MD 43  
Baltimore City and Baltimore County, Maryland**

**Finding of No Significant Impact  
FHWA Errata Sheet  
July 8,2005**

FHWA- Caryn Brookman					
No.	Section	Page	Comment	Comment Addressed	New Page
1	Title Page		<p>The cooperating agencies don't sign the document; instead under "and The Maryland Transportation Authority" it should state "in cooperation with U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers"</p> <p>In the 2<sup>nd</sup> paragraph where it states that the FONSI was based on the EA, delete "and Preferred Alternate and Conceptual Mitigation Package....," sentence.</p>	<b>The changes have been made.</b>	Title Page
2	All		The FONSI should not make reference to the PACM since this document is not a public document and as such was never circulated for public review and comment. All information in the FONSI should be based on information disclosed in the Environmental Assessment. Information that was not included in the EA but included in the PACM should now be disclosed in the FONSI.	<b>All references to the PACM have been removed. All information from the PACM that was not discussed in the EA has been added to the FONSI. In particular, we elaborated on the discussion of avoidance and minimization efforts and mitigation for impacts. Also, the text describing the process of evaluating the criteria for selecting the Preferred Alternate in the PACM has been added to the FONSI.</b>	All

			In general, the context of the document should be such that the general public can get an understanding of the environmental impacts of the preferred without having to do too much research of the EA. This is especially important since this document is streamlined and makes many references to supplemental documents.		
3	Summary of Actions/ Recommendations	II-1	Recommended wording after “The Authority adopted the I-95 Master Plan in April 2003.” as follows: “The Master Plan was presented at the public meeting in _____. The Master Plan analyzed traffic congestion and movements along the I-95 corridor between the I-95/I-895 Split in Baltimore City and Route 896 in Delaware. Based on this analysis, it was concluded that each of these sections possessed logical termini for environmental analysis as per 23 CFR 771.111(f).”	<p><b>The second paragraph has been changed to:</b>  “The Authority adopted the I-95 Master Plan in April 2003. It identified four independent projects, including:</p> <p>Section 100: I-95, I-895 (N) Split to North of MD 43  Section 200: North of MD 43 to North of MD 22  Section 300: North of MD 22 to North of MD 222  Section 400: North of MD 222 to the Delaware State Line</p> <p>Throughout the I-95 Master Plan process, the Authority coordinated with local, State, and Federal regulatory and resource agencies. This coordination resulted in agency concurrence on the need for four independent projects and their termini, consistent with 23 CFR 771.111(f), as well as the concepts to be carried forward for each. Concurring agencies included the FHWA, EPA, USACE, NMFS, MDE, and DNR. The Master Plan was presented to the public at a series of three public workshops on June 5, 2001, June 21, 2001 and November 19, 2002. Section 100 is the first independent project identified in the I-95 Master Plan to be initiated”.</p>	II-1

4	ARDS	II-5	<p>Spell out IAPA the first time it is used.</p> <p>Again, the document should not state that the three alternates were based on consistency with the State Transportation policy since this was not in the purpose and need. It should not have been used as a criterion for dismissal of any alternates.</p>	<p><b>Changed to:</b> Interstate Access Point Approval (IAPA) Request report</p> <p><b>Removed reference to State Transportation policy from criteria.</b></p>	II-5
5	Environmental Consequences (general comment)	All	<p>Even though MdTA is trying to streamline this document, it is essential that the environmental consequences of the Preferred Alternate (for each impact) are elaborated on and that the commitments to mitigate these impacts are clearly stated. The “streamlining” part of the document should be to summarize issues that have been addressed in the EA that don’t necessarily apply or are not of consequence to the Preferred Alternate.</p>	<p><b>We elaborated on discussion of avoidance and minimization efforts and mitigation for impacts. Also, the text describing the process of evaluating the criteria for selecting the Preferred Alternate in the PACM has been added to the FONSI.</b></p>	All
6	Environmental Consequences	III-1	<p>Table III-1. Do we need square feet of stream impacts since it was not available in the EA? We usually don’t include sq. ft in our documents.</p>	<p><b>Stream impacts in square feet has been removed. Temporary impacts were added for wetlands and stream. Temporary impacts represent impacts from the cut/fill line to the LOD (25 feet).</b></p>	III-1
7	Environmental Justice Inventory	III-2	<p>Delete “Inventory” after EJ. Also, the negative visual impacts from the 5 level I-695 interchange will be decreased with the preferred alternate near the identified environmental justice communities. This should be stated because this is a change from the Environmental Assessment.</p>	<p><b>Inventory has been deleted.</b></p> <p><b>The paragraph reads as follows:</b> An analysis of affected persons in the study area indicates that no disproportionate adverse impacts would occur to minority or low-income populations as a result of the Preferred Alternate. Visual impacts to the Fontana Village and Gilley Terrace communities have been minimized due to the redesign of the five level I-95/I-695 Interchange, as stated in the EA, to a four level I-95/I-695 Interchange.</p>	III-2

8	Cultural Resources	III-3	<p>Under Cultural Resources, the third sentence would be better worded as: “In compliance with Section 106 of the National Historic Preservation Act of 1966, it has been determined through consultation and coordination with the Federal Highway Administration and the SHPO that the Preferred Alternate will have “no adverse effect” on this historic resource. In the last sentence the word “not” should be deleted.</p> <p>No mention of Section 4f is needed since the property will not be impacted.</p>	<p><b>The paragraph has been changed:</b>          “In compliance with Section 106 of the National Historic Preservation Act of 1966, it has been determined through consultation and coordination with the Federal Highway Administration and the State Historic Preservation Officer (SHPO) that the Preferred Alternate will have “no adverse effect” on any historic sites or archeological resources.”</p> <p><b>Reference to 4(f) has been removed.</b></p>	III-3
9	Floodplains	III-5	<p>What is the nature of the floodplain impacts (fill encroachment, temp. construction, bridging, etc.)?</p>	<p><b>The following sentence was added:</b>          “A majority of the floodplain impacts are caused by fill encroachment and pier placement, especially within the I-95/I-695 Interchange”.</p>	III-4
10	Forests	III-6	<p>Under the woodland impacts, it should be stated that the Preferred Alternate “will be mitigated in compliance” with the MD Reforestation Act. This wording should be consistently used throughout the document...that mitigation “will” take place, not “would”.</p>	<p><b>Made the changes from “would” to “will” throughout the mitigation text in the document.</b></p>	All
11	Noise	III-7	<p>Can Table III-7 be moved below the noise discussion so as not to break up the noise section with the table about large/significant trees?</p> <p>NSA’s 4, 5, and 6 all have existing noise barriers. I assume that these barriers will be reconstructed? If so, than this needs to be stated since it may be misleading to state that</p>	<p><b>Moved Table III-9 and Large and Significant Trees section so they stay together.</b></p> <p><b>Added NSAs 4, 5, and 6 to the following sentences:</b>          “NSAs 1, 3, 4, 5, and 6 have existing noise walls currently in place. The existing wall at NSA 1 would need to be modified near Receptor 1-1 (north end of the barrier) from 17-foot to 23-foot high noise barrier, for</p>	III-6

		<p>these NSA's don't "qualify" for noise abatement.</p> <p>For NSA 12, why was this property considered category "c" type of activity? If it is considered a school than it qualifies under category "b" and non-residential receptors are considered "10" equivalent residences so the cost analysis will be different.</p>	<p>approximately 1,251 feet paralleling northbound I-95. In NSA 3, 725 feet of the north end of the existing barrier would need to be rebuilt west of the existing barrier. The existing noise wall at NSAs 4, 5, and 6 will be replaced during the construction phase in order to accommodate the wider typical section of the Preferred Alternate."</p> <p><b>The current land usage at the receptor site adjacent to this portion of the project area is as a maintenance facility for the Essex Community College. Although schools are typically included as part of the Land Use Activity Category B description, this is applied to structures or areas where student-teacher interactions are occurring. This follows the general goals of transportation noise mitigation and sound level impact designations, as they are geared towards managing ambient noise such that it reduces or eliminates the interference of normal speech interaction at a given site. However, this portion of the subject property does not engage in activities that require this type of interaction. Further, future land usage at the site is at the sole discretion of the college (a private entity), and therefore not subject to restrictions relative to traffic noise impacts. Therefore, based on the current land usage and the lack of controls over future land usage, it would be inappropriate to classify this area as Category B. A quick review of the other Land Use Activity Categories discounts this area from being classified as Category A (serenity and quiet are not preconditions of the intended purpose of this area), Category D (these are not undeveloped lands),</b></p>	
--	--	--	--	--

				<p><b>or Category E (an assessment of interior land usage, rarely considered for transportation projects unless severe impacts have been noted). Therefore, the use of Activity Category C is appropriate for this site.</b></p>	
12	Air	III-8	<p>Under the air quality section it states the obvious that ML are better than GP but it doesn't state the essential, would GP meet conformity?</p> <p>Will the managed lanes really have equivalent or lower emissions than the GP lanes? If the ML are managed as described in Attachment 4 then traffic will be kept in the 2 managed lanes at a LOS D or better while the 4 GP lanes will operate at a LOS E or worse. The end result is more congestion on the 4 GP lanes of the ML alternate than would be expected with the 6 GP lanes under the GP alternate.</p>	<p><b>Last paragraphs of Air section:</b></p> <p>“Section 100 is currently included in the Baltimore region’s long range transportation plan, “Transportation 2030,” which was adopted by the Baltimore Regional Transportation Board (BRTB) in December 2004. The air quality conformity analysis for the 2030 plan assumed completion of the General Purposes Lanes Alternate for Section 100. The General Purpose Lanes Alternate was used in the conformity analysis because it represented a worst-case scenario for air emissions. After the air quality conformity analysis was completed, the Authority identified the Managed Lanes Alternate as its preferred alternative. By comparison to the General Purpose Lanes Alternate, the Managed Lanes Alternate will have equivalent or lower emissions as a result of the free-flowing traffic in the managed lanes due to the higher LOS. Therefore, the selection of the Managed Lanes Alternate is consistent with the conformity finding for the long range plan and TIP”</p> <p>The Authority is coordinating and will continue to coordinate with BRTB to ensure that the Managed Lanes Alternate is included in the air quality modeling for the next update to the region’s long range plan and transportation improvement program (TIP). The first step in this process is the update cycle for the 2006-2010 TIP, which began in March 2005. Refer to the Section 100 Air Quality Technical Report for additional</p>	III-7

				information”  <b>Table II-1 on page II-7 has been updated to show that the LOS of the general purpose lanes for the Manage Lane Alternate and the General Purpose Lane Alternate are actually the same and better in some situations.</b>	
13	Publicly Owned Parks and Recreation Areas	III-12	Under “Publicly Owned Parks and Recreation Areas” it should not state that Section 4f is not warranted because it is not mitigation for direct impacts to the park. Instead it should state that this activity qualifies as temporary occupancy as outlined in our Policy Paper. Refer to the letter that was sent. This section is awkwardly worded and should be revise to clearly state the purpose and why this type of work is not considered a Section 4f use.	<b>Reworded paragraph:</b> “Baltimore County has given written permission to allow the Authority to enhance Stemmers Run in Linover Park (Appendix C). This stream enhancement is part of the mitigation efforts for I-95 Section 100. The stream enhancement project in Linover Park is not a “use” under Section 4(f) of the U.S. Department of Transportation Act of 1966 because the work is consistent with the function of the existing parkland and is an enhancement to the park, and the Authority consulted with received and written concurrence from the municipality with jurisdiction over the park”.	III-22
14	General		There should be a Title VI/Executive Order 12898 statement. There should be contact information for those that have a complaint under Title VI.	<b>The section reads:</b> “An analysis of affected persons in the study area indicates that no disproportionate adverse impacts would occur to minority or low-income populations as a result of the Preferred Alternate. Visual impacts to the Fontana Village and Gilley Terrace communities have been minimized due to the redesign of the five level I-95/I-695 Interchange, as stated in the EA, to a four level I-95/I-695 Interchange. Please contact Melissa Williams, Project Manger, at (410) 288-8400 ext. 383 with questions or inquiries concerning Title	III-2



				VI/Executive Order 12898.”	
15	Secondary and Cumulative Effects	III-12	<p>This section should be revised to provide a more definitive statement of secondary/cumulative effects associated with the Preferred Alternate. There are many “could” and “would” statements; these should be reworded to provide more definitive statements. It should be stated that the Preferred Alternate would actually accommodate a slower growth rate than the General Purpose Lanes Alternate; therefore, secondary impacts associated with the growth rate would be minimal. Also, it should be stated that there is no known development dependent on Section 100 therefore there are no secondary impacts associated with development. In several instances there is discussion about the potential for development within the interchange areas; however, “reasonably foreseeable” means not just the <i>possibility</i> but the <u>probability</u> that development will occur. If we do not have information which can confirm the probability that this development will occur dependent on the improvements than it should not be considered a secondary effect.</p>	<p><b>Reworded the following paragraphs:</b></p> <p>“The SCEA used a geographic boundary and temporal limits to evaluate impacts to socio-economic, cultural, and natural environmental resources. The SCEA boundary was determined by overlaying a combination of individual socio-economic and natural resource sub-boundaries. In general, the other SCEA sub-boundaries maintain a reasonable proximity to the Area of Traffic Influence boundary, but also include portions of the census tract and sub-watershed boundaries.</p> <p>A time frame of 55 years was selected for the SCEA (1970-2025). This time frame was chosen after reviewing historical events that took place in the project area, changes in population growth, availability of data, and the design year of the project.</p> <p>There is no known development dependent on Section 100 therefore there are no secondary impacts associated with development. Land use is not anticipated to change substantially in the SCEA boundary within Baltimore City due to the Preferred Alternate. Land use within the City limits consists mainly of urbanized areas, and future development would concentrate on revitalization.</p> <p>The Preferred Alternate will have a secondary effect on the growth rate of residential development Harford County and eastern Baltimore County. The Preferred Alternate would actually accommodate a slower growth rate than the General Purpose Lanes Alternate; therefore, secondary impacts associated with the growth</p>	III-22

				<p>rate would be minimal.</p> <p>There will be secondary and cumulative impacts to several of the resources outline in the SCEA, including surface water/aquatic habitat, forest/terrestrial habitat, floodplains, wetlands, and archeological resources. Secondary and cumulative effects to natural resources will be adverse. However, any cumulative impacts to these resources will be regulated by applicable State, Local, and Federal laws for avoidance, minimization and/or mitigation. Secondary and cumulative impacts to community resources will be minimal because future impacts to communities would be directly related to local and regional growth, which is slower with the Preferred Alternate.</p> <p>It is concluded that the Preferred Alternate will have direct, secondary and cumulative effects on socio-economic, cultural, or natural environmental resources. There will not be any secondary impacts related to development associated with the Preferred Alternate and all secondary and cumulative impacts to natural resources will be effectively minimized by existing environmental regulations”.</p>	
16	General		Avoidance, minimization and mitigation details should be discussed in a concluding statement for all environmental impacts. Fulfillment of mitigation commitments is a condition of location approval so they need to be outlined in the document.	<b>The revised format of the FONSI provides a brief discussion about minimization and avoidance efforts for each environmental resource. Also, the mitigation section summarizes mitigation efforts and milestones for the project.</b>	
17	Section 4(f) and	IV-1	Section 4f discussion needs to be revised as	<b>Reworded the 4(f) section:</b>	IV-1

	Section 7 of the Endangered Species Act		<p>stated above. Coordination and concurrence by the park owners needs to be included in the discussion.</p> <p>Section 7 only applies to federally listed species so this should not be discussed; however, it should be stated under Maryland's RTE species law since the least tern is of concern.</p>	<p>“The Preferred Alternate will not result in the use of any Section 4(f) properties. The Authority plans to restore approximately 1,000 feet of Stemmer’s Run that flows through Linover Park as part of the mitigation effort in coordination with Baltimore County. The stream project will enhance Stemmer’s Run and Linover Park. Further, the Authority has received concurrence from Baltimore County that the stream enhancement project is consistent with the Baltimore County Master Plan and will not have any adverse effects on the park (Appendix C). For these reasons, the requirements of Section 4(f) are not triggered.”</p> <p><b>Added the following paragraph:</b>  <b>3. Nongame and Endangered Species Act</b>  Correspondence concerning State-listed threatened or endangered species with the Maryland Department of Natural Resources (DNR) indicated the presence and location of a Least Tern (<i>Sterna antillarum</i>) and the potential presence of four plant species of concern within the study area. Field habitat surveys conducted during the Summer of 2003 indicated that the habitat of the Least Tern would not be affected by the Preferred Alternate and identified no State species of concern within the study area. Except for the occasional transient individuals, no federally proposed, listed endangered or threatened species are known to exist within the study area.</p>	
18	Summary of Public Involvement	V-1	Last sentence under the Alt. Public Workshop should state “meeting or workshop” not “hearing”.	<b>Replaced “hearing” with “workshop”.</b>	V-1

19	Signature Page		Please add MdTA Secretary signature line, both FHWA and MdTA should sign the document	<b>Signature line added to page.</b>	
20	General		In final document, IAPA should be separate document. References to IAPA as attachment should be deleted.	<b>IAPA reference deleted from FONSI. IAPA is now separate a document.</b>	
21	Environmental Consequences	III-1	Socioeconomic Resource title should be moved to next page	<b>Title was moved to next page</b>	III-2
22	Environmental Consequences	III-1	Table III-1, I would suggest changing "Section 4f Resource Impacts" to "Section 4f Resource Use"	<b>Text change was made.</b>	III-1
23	Environmental Consequences	III-2	The State's Uniform Act requirements should be included in the document. Typically the Federal Uniform Act is included in the Appendix.	<p><b>The following text was added to the document:</b> In accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, all families, individuals, and businesses displaced by the project would be treated fairly, consistently, and equitably so that they will not suffer disproportionate impacts as a result of the project (Appendix C). The Authority will provide relocation assistance and advisory services to eligible persons who are displaced by this project.</p> <p><b>Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended was added as Appendix C.</b></p>	III-2
24	Environmental Consequences	III-2	Page III-2 or in Appendix, Title IV statement and EJ Executive Order statement should be included in the document along with the contact person's name and telephone number.	<p><b>The following text was added to the document:</b> It is the policy of the Authority to ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, and related civil rights laws and regulations which prohibit discrimination on the grounds of race, color, sex, national origin, age, religion, or physical or</p>	III-2 - 3

				<p>mental handicap in all projects that involve action by the Federal Highway Administration (FHWA). The Authority will not discriminate in project planning, design, construction, right-of-way acquisitions, or provision of relocation advisory assistance. This policy has been incorporated in all levels of the planning process in order that proper consideration may be given to the social, economic, and environmental effects of all projects. Alleged discriminatory actions should be addressed to Ms. Melissa Williams of the Maryland Transportation Authority for investigation. Ms. Williams can be contacted at 410-288-8470, extension 383.</p> <p>Executive order 12898, "Federal Actions to Address Environmental Justice in Minority and Low-Income Populations" requires that each Federal agency identify, and address, any disproportionately high and adverse impact on minority and/or low-income populations resulting from alternates under consideration and to provide opportunity for participation in the public involvement process.</p>	
25	Environmental Consequences	III-3	On Page III-3 under Cultural Resources it states that the preferred will have "no adverse effect" on any historic sites or archeological resources; however, the preferred alternate has "no effect" on archeological resources. This should be clarified in the statement.	<p><b>The text was changed to the following:</b></p> <p>In compliance with Section 106 of the National Historic Preservation Act of 1966, it has been determined through consultation and coordination with the Federal Highway Administration and the State Historic Preservation Officer (SHPO) that the Preferred Alternate will have no effect on archaeological resources, as no archaeological resources within the study area are eligible for listing on the National Register of Historic Places. One historic property that</p>	III-4

				is eligible for listing in the National Register of Historic Places (the Koch property), is located within the project's area of potential effect. However, the property is separated both physically and visually from the highway by a substantial stand of trees. Therefore, the SHPO concluded that the Preferred Alternate would have no adverse effect on this or any other historic sites. Correspondence documenting this finding is located in Appendix D.	
26	Environmental Consequences	III-5	Page III-5 it should state what the mitigation ratio is under the Maryland Reforestation Act (1:1)	<b>The following text was added to the document:</b> The Preferred Alternate will comply with the Maryland Reforestation Act, which requires the minimization of cutting or clearing trees, replacement of wooded areas affected and/or contributions to a reforestation fund for highway construction projects. Mitigation for forest impacts will be provided at a one-to-one ratio.	III-5
27	Environmental Consequences	III-23	Page III-22, as discussed, the impacts to Cowenton Park need to be included in the final document. I would suggest removing the wording about "no impact" to publicly owned public park and instead include the "no use" wording.	<b>The following text was added to the document:</b> Similarly, Baltimore County has given written permission to remove a private driveway that leads to an access point to the Cowenton Avenue Park (Appendix D). Removal of the driveway is necessary due to the realignment of the Cowenton Avenue Bridge over I-95 and removal of impervious surface. This driveway is not currently used or planned for use by the park. The private driveway is located approximately 150 feet east of the recently constructed entrance to the park. The County property line runs down the middle of the driveway, with half of the driveway being owned by the County, and half the driveway being owned by a private landowner. Following removal of the private drive, the land currently owned by the County would	III-23

				remain under County ownership.	
28	Status of Compliance with Regulatory Requirements	IV-1	Page IV-1, Under Section 4f compliance I would suggest including the temporary occupancy criteria in this paragraph.	<p><b>The following text was added to the document:</b>  The impacts to Linover Park and Cowenton Avenue Park do not constitute “use” under Section 4(f) of the U.S. Department of Transportation Act of 1966 because the temporary occupancies:</p> <ul style="list-style-type: none"> <li>• Will be of short duration and less than the time needed for construction of the project;</li> <li>• Will not affect the ownership of the land (Baltimore County Department of Recreation and Parks will retain ownership of the areas) or result in the retention of long-term or indefinite interests in these properties for transportation purposes other than hiking or biking;</li> <li>• Will not result in any temporary or permanent adverse change to the activities or features which are important to the purpose or function that qualifies the resources for protection under 4(f); and</li> <li>• Will include a minor amount of land.</li> <li>• Will result in land being restored to a condition that is at least as good as that which existed prior to the project.</li> </ul>	III-23